

IS-US030796

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	Attn: Mail Stop Amendment
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Toshiyuki KOMATSU et al.	:	Patent Art Unit: 2841
	:	
Serial No. 10/561,388	:	Examiner Randy W. Gibson
	:	
Filed: December 19, 2005	:	Confirmation No. 6159
	:	
For: ARTICLE TRANSPORT APPARATUS	:	<i>Allowed: June 4, 2008</i>
HAVING TROUGH AND	:	
RECIPROCATING MOVEMENT	:	
MECHANISM, AND COMBINATION	:	
WEIGHING APPARATUS PROVIDED	:	
THEREWITH (As Amended)	:	

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE
UNDER 37 C.F.R. §1.104(e)

Assistant Commissioner of Patents
Washington, DC 20231

Sir:

Applicants wish to thank Examiner Gibson for the Supplemental Notice of Allowability dated September 2, 2008. In response to the Supplemental Notice of Allowability, Applicants wish to make the following comments of record. Since the Supplemental Notice of Allowability was mailed on the same day that Applicants paid the issue fee and Applicants received the Supplemental Notice of Allowability after the payment of issue fee, these comments could not have been submitted before or with the payment of issue fee. Thus, Applicants respectfully request these comments be entered and made of record.

The Supplemental Notice of Allowability indicates Applicants failed to meet the provisions of 37 C.F.R. §1.98(a)(3) regarding the information disclosure statement because it did not include a concise explanation of the relevance of Japanese Laid-Open Utility Model Patent Application Publication No. H04-118631 U. Applicants respectfully assert that Applicants followed the USPTO guideline in MPEP §609.04(a) III which states “[w]here the information listed is not in the English language, but was cited in a search report or other action by a foreign patent office in a counterpart foreign application, the requirement for a

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concise explanation of relevance can be satisfied by submitting an English-language version of the search report or action which indicates the degree of relevance found by the foreign office. This may be an explanation of which portion of the reference is particularly relevant, to which claims it applies, or merely an "X", "Y", or "A" indication on a search report".

Moreover, Applicants respectfully note that MPEP §609.03 and §1893.03(g) indicate the documents cited in the international search report in a PCT national stage application will be considered *without* any further action by applicant under 37 CFR 1.97 and 1.98, when both the international search report and copies of the documents are indicated to be present in the national stage file. In the present application, the 371 Acceptance Letter (Form PCT/DO/EO/903) indicates the copy of the international search report and the Information Disclosure Statements (which included the copies of the foreign references) are received in the national stage file. Thus, Applicants believe the references cited in the international search report might have been considered even without any further action by Applicants under 37 CFR 1.97 and 1.98, according to MPEP §609.03 and §1893.03(g).

In any event, in view of the amendments to the claims made during the prosecution of the present application, Applicants believe the Japanese Laid-Open Utility Model Patent Application Publication No. H04-118631 U is not material to the patentability of any claim remaining in the present application.

Entry of these comments on the Statement of Reasons for Allowance is respectfully requested.

Respectfully submitted,
/Nomugi Tomoyori/
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